

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Michael Williams,

Plaintiff,

No. 08-13026

v.

Hon. Nancy G. Edmunds

Steven Kopp, Anthony O'Rourke,
and City of Detroit,

Defendants.

ORDER REMANDING PLAINTIFF'S STATE LAW CLAIMS

Plaintiff Michael Williams filed suit against Defendants Steven Kopp, Anthony O'Rourke, and City of Detroit, in the Circuit Court for the County of Wayne. Defendant City of Detroit filed a notice of removal to this Court on July 14, 2008. Defendant's notice for removal is timely under 28 U.S.C. § 1446.

While alleged violations of 42 U.S.C. § 1983 and the U.S. Constitution are cognizable in this Court pursuant to 28 U.S.C. § 1343, Plaintiff's complaint also presents claims based on state law. Since the parties to this matter are nondiverse, this Court declines to exercise supplemental jurisdiction over the latter claims so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994). Thus, pursuant to 28 U.S.C. § 1367(c), all of plaintiff's state law claims including, without limitation, claims of assault and battery (Count I), are hereby REMANDED to Wayne County Circuit Court.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: July 29, 2008

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on July 29, 2008, by electronic and/or ordinary mail.

s/Carol A. Hemeyer
Case Manager